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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,765	12/29/1999	MARKO PARIKKA	297-009122-U	1440

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EXAMINER

SEMBER, THOMAS M

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/473,765

Applicant(s)

PARIKKA ET AL.

Examiner

Thomas M. Sember

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22 is/are allowed.
- 6) ☒ Claim(s) 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The indicated allowability of claims 34-35 are withdrawn in view of EP0821293A2 and a 112 2nd paragraph rejection not previously noticed in the examination of this application. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

2. Claims 34-35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.) In claim 34, line 15 "the depth and/or height of elongated surface" lacks a positive antecedent basis and it is not clear if the "formations" are the same as those formations claimed in line 7+ of claim 34.

2.) In claim 35, lines 15-17 it is not clear how the angle relates to the patterns. Is the pattern angled? or is something else angled?

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32 and 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Nishikawa et al (EP0821293A2) (figures 14(c) and 19). Nishikawa et al (EP0821293A2) (figures 14(c) and 19) discloses a light pipe 12 comprising: a first

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surface, said surface including patterns having surface formation patterns (30) for coupling light out from the light pipe (4) to provide backlighting of a flat panel display by means of at least one light source, said surface formation patterns comprising uniform, mutually different areas distributed over said first surface. The areas comprise first pixel-like formations having a first orientation and second pixel-like formations having a second orientation being different than that of the first pixel-like formations orientation (see derwent abstract line 8, hologram whose area density of diffraction grating changes in proportion to the distance it made while diffracting light from the tubular source), said pixel-like formations being arranged to diffract light for producing uniform lighting and to produce substantially uniform light out from the light pipe regardless of the distance from the light output regardless of the distance from the light input end of the light pipe. Regarding claim 32, the formations have first and second values which differ in pattern and are angled from a plane of the light guide (see figure 14(c)). Regarding claim 34, the light guide is angled substantially from 90 degrees (see figure 14(c)).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claim 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al (EP0821293A2). Nishikawa et al (EP0821293A2) discloses the claimed invention except for a light guide formations specific dimensions. It would have been an obvious to one skilled in the art at the time the invention was made to modify the formations of Nishikawa et al (EP0821293A2) so as to meet applicant's specific dimensions since such a modification would have been an obvious engineering design choice and applicant hasn't stated any unexpected results obtained in making the formations a specific height or depth or period length and it appears the formations of Nishikawa et al (EP0821293A2) would perform equally well at diffracting light.

Allowable Subject Matter

Claims 1-22 and 32-33 are allowable.

Response to Arguments

3. Applicant's arguments with respect to claims 32-35 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments with respect to claims 1-22 are persuasive and are now allowable over the prior art of record.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272- 2878. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M Sember
Primary Examiner
Art Unit 2875
